

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Michael D. Deane) Case No: 09-33095
Tammy T. Deane) Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on October 7, 2011, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition on May 13, 2009 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325.
3. The above filed Chapter 13 Plan fails to pay all the disposable income into the Chapter 13 plan shown by:
 - a. This proposed plan, having previously been confirmed with funding in the amount of \$117,600.00, fails to show a substantial change in circumstances to merit a modification and lowering of the plan payments for the above medina debtors with excess income. The Trustee would further request current pay stubs (3 months before the date of the filing of this objection) and the 2010 tax returns for both debtors. The Chapter 13 Trustee would suggest that the debtor pay all disposable income into the Chapter 13 Plan.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: November 9, 2011

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

Certificate of Service

I hereby certify that on November 9, 2011, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), Michael D. and Tammy T. Deane, 12100 Bigelow Road, Midlothian, VA 23112 and electronically sent to debtor's attorney, Jason Meyer Krumbein, Esquire, jkrumbein@krumbeinlaw.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

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Debtor Address 12100 Bigelow Road
Midlothian, VA 23112

Last four digits of Social Security No(s): 7206
8056

NOTICE OF OBJECTION TO CONFIRMATION

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before seven (7) days before the date of the hearing, you or your attorney must:

 X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

_____ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

 X Attend the hearing on the objection scheduled to be held on **November 16, 2011** at **9:10 am** at United States Bankruptcy Court, **701 East Broad Street, Richmond, VA 23219, Room 5000.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: November 9, 2011

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218-1819
VSBN 34367

Certificate of Service

I hereby certify that on November 9, 2011, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s), Michael D. and Tammy T. Deane, 12100 Bigelow Road, Midlothian, VA 23112 and electronically sent to debtor's attorney, Jason Meyer Krumbein, Esquire, jkrumbein@krumbeinlaw.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee